

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION)
OF A NEW RULE RELATING TO)
LEAVE OF ABSENCE FOR JUDGES)

RULE 00-11

- - - - -
A hearing having been held on February 17, 2000, at Pierre, South Dakota, relating to the adoption of a new rule relating to leave of absence, and the Court having considered the proposed adoption, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is

ORDERED that the new rule relating to leave of absence for judges be and it is hereby adopted to read in its entirety as follows:

Leave of Absence

- (1) As used in this section, unless the context requires otherwise, "judge" means any justice of the Supreme Court or judge of the circuit court.
- (2) A judge who wishes to take a leave of absence beyond normal vacation, shall submit a written application to the Supreme Court, which application shall include a statement outlining the reasons for the request, documenting the need therefor or the benefit to be gained and an outline of the activities he or she will pursue.
- (3) In authorizing leaves of absence, the Supreme Court shall consider whether the reasons and/or activities outlined in the judge's statement are either related to the administration of justice or are medically justified. (Appropriate activities include formal educational programs for professional self-improvement and teaching at educational institutions.) The Supreme Court shall consider the length of time the judge has served and the benefit the South Dakota Unified Judicial System shall derive from the leave of absence. A leave of absence may be granted if the Supreme Court is satisfied that

Rule 00-11

the administration of justice in South Dakota will not be adversely affected in the long run by granting the leave.

(4) Upon approval of the judge's application, the Supreme Court shall issue an order granting the leave of absence at such salary and for such period as determined by the Court, not to exceed full salary nor a period of 90 days, on any one occasion. The order shall state the maximum time for which the leave is granted by the Supreme Court, but shall not prevent a subsequent application for such leave by the same judge.

(a) Application for a leave of absence may be considered a waiver of salary by the applicant for the period of time the judge is absent under the leave granted by the Supreme Court.

(b) A leave of absence may be considered an interruption in service for retirement and supplemental benefits purposes. If so determined, no payment into the retirement or supplemental benefits shall be made during such leave of absence, and retirement and supplemental benefits shall not accrue.

(5) The Unified Judicial System shall continue to maintain the applicable group health care and basic benefits for a judge on leave of absence and make the same available to dependents to the extent he/she carries such benefits while not absent.

(6) A leave of absence does not affect the date at which a circuit judge is subject to election or at which a justice is subject to approval or rejection in a retention election.

(7) Unless the judge dies or resigns before, the judge shall resume the duties of his or her office and send written notice of the resumption to the Supreme Court. The resumption and sending notice constitutes a termination of the leave, whether or not the maximum period of time granted has expired.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 2000.


DATED at Pierre, South Dakota, this 10th day of March, 2000.

BY THE COURT:



Robert A. Miller, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

**SUPREME COURT
STATE OF SOUTH DAKOTA
FILED**

MAR 10 2000


Clerk